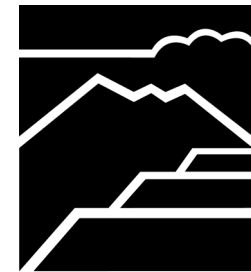


JUROR HANDBOOK



COCONINO
COUNTY ARIZONA

Coconino County Courts

FOR THE HEARING IMPAIRED:
ELECTRONIC ASSISTIVE UNITS
ARE AVAILABLE FROM THE
BAILIFF UPON REQUEST

(Revision: July 2015)

What gives you the right to judge someone?



*The United States
and Arizona Constitution
and your Jury Notice
give you the right.*

SUPERIOR COURT

200 North San Francisco St.
Flagstaff, AZ 86001
Division I - Judge Jacqueline Hatch
Division II - Judge Dan Slayton
Division III - Judge Mark R. Moran, Presiding
Division IV - Judge Elaine Fridlund-Horne
Division V - Judge Cathleen Brown Nichols
Division VI - Judge Pro Tempore, Ted S. Reed

*Drug Court

Judge Pro Tempore Ted S. Reed
928-679-7575

*Integrated Family Court

Judge Elaine Fridlund-Horne
928-679-7586

Juvenile Court

Judge Pro Tempore Margaret McCullough
1001 East Sawmill Rd.
Flagstaff, AZ 86001
928-226-5443

*Clerk of the Superior Court

Valerie Wyant, Clerk of the Superior Court
928-679-7600 or 1-866-221-2717

JUSTICE COURTS

*Flagstaff Justice Court

Judge Howard Grodman, Justice of the Peace
Judge Pro Tempore Joshua Steinlage
928-679-7650

Fredonia Justice Court

Judge Mark R. Baron, Justice of the Peace
112 North Main St.
Fredonia, AZ 86022
928-643-7472

Page Justice Court

Judge Donald G. Roberts, Justice of the Peace
547 Vista Avenue
Page, AZ 86040
928-645-8871

Williams Justice Court

Judge Robert Krombeen, Justice of the Peace
700 W. Railroad Avenue
Williams, AZ 86046
928-635-2691

*Courts located at 200 N. San Francisco Street
Flagstaff, AZ 86001

THE COURTROOM AND FUNCTIONS OF THE PERSONNEL

The following are key participants in a courtroom proceeding:

Judge: The judge has many duties in connection with a trial. The judge must see that the trial is conducted in an orderly manner according to prescribed rules and laws covering: selection of the jury, presentation of evidence, arguments of the attorneys, instructions to the jury, and rendering the verdict.

The judge must decide if questions asked of prospective jurors about their qualifications are proper. The judge also decides on requests to excuse jurors and rules on objections made during the trial.

The judge must inform jurors as to the issues of the facts they must decide, the laws which apply to the case, and their responsibilities as jurors.

Witness: The person who gives testimony concerning the issue being tried.

Bailiff: The bailiff is in charge of the jury during the trial and deliberations. The bailiff also keeps order in the courtroom, opens and closes the courtroom each day, and assists the judge.

Plaintiff: The person or party who starts a court action.

Plaintiff's Attorney: The legal representative of the plaintiff.

Prosecuting Attorney: The legal representative of the State in criminal cases.

Defendant: In a criminal case, the defendant is the person charged with an offense. In a civil case, it is the person the case is filed against.

Defense Attorney: The legal representative of the defendant.

Court Reporter: The person who maintains a verbatim record of court proceedings.

Court Technician: The person who maintains the official court record and produces minute entries of the proceedings.

WELCOME NEW JURORS

Trial by jury is a keystone of our system of justice. Article 2, Section 23, of the Constitution of the State of Arizona, states, "The right of trial by jury shall remain inviolate." Jury service is, therefore, both an opportunity and an obligation of every American.

You have been summoned to participate in a jury trial. If you are selected as a member of the jury, you will serve as an officer of the Court, along with the judge and the lawyers. Your services as a juror are as important as those of the judge.

We have prepared this handbook to help you understand how the jury system operates and to answer some of the questions most frequently asked by the citizens summoned to serve on a jury. This information is designed to help explain your role in our criminal justice system. It will not cover everything you will need to know, but will give you a good foundation. It does not take the place of the judge's instructions.

*Once you are called to the courtroom, for instance, the judge will instruct you on the law applicable to the case. **Again, the information in this handbook does not take the place of the judge's instructions.***

Sometimes a juror is summoned to Court and not sent to a courtroom, or a juror is sent to a courtroom and not selected to serve on a jury. If you are not selected to serve as a member of the jury, please understand that you still provide a valuable service to the justice system. We have done everything possible to resolve the matter before you were summoned. Occasionally, however, the presence of the jury is a persuasive factor in dispute resolution. Therefore, your appearance is important whether or not you sit on a jury.

Thomas Jefferson described the jury system as "the only anchor ever yet imagined by man by whom a government can be held to the principles of its constitution." Despite its inconveniences, jury service is the most rewarding civic duty that the average citizen gets a chance to perform. We appreciate your time and attention, and hope that your service as a trial juror will be interesting, informative, and rewarding.

Mark R. Moran, Presiding Judge
Coconino County Courts

FREQUENTLY ASKED QUESTIONS

Q: How long will I be here?

A: If you are not selected today to serve on a jury, in most cases, you will be dismissed by the judge by the end of today. If you are selected, you will serve for the duration of that trial. The average jury trial runs one to three days.

Q: I brought a book today to read. May I bring it to the courtroom?

A: Yes. Do not leave your belongings in the jury assembly room. A bailiff will give you further instructions when you arrive at the courtroom.

Q: How often can I be summoned for jury duty?

A: If you are not selected to serve on a jury panel, you may be called again during the year that you are in the current juror pool. Coconino County has implemented the “one day or one trial” practice pursuant to ARS § 21-335. “A juror who has been summoned and selected to serve on a jury in this state is not required to serve again...for two years following the last day of the juror’s service. Please contact the jury clerk within 10 days, if you believe that you may qualify for an excuse under this provision.

Q: Is my employer required to pay me for jury duty?

A: No. There is no legal requirement that employers must pay you while you are on jury service. Ask your employer what the company policy says, as companies differ. Some employers ask you to supply proof that you were at court on jury service. If you are called to Superior Court, the Clerk’s Office will provide a proof of service, if requested. If you are called to Justice Court or Municipal Court, they will provide a proof of jury service when needed.

Q: Can I be fired for reporting for jury service?

A: Firing you for fulfilling your civic duty as a juror is a violation of ARS § 21-236 which says, in part, “No employer may dismiss or in any way penalize any employee because he serves as a juror....”

Q: How much does the Court pay for jury duty?

A: Jurors receive mileage for each day of service. (Mileage will be reimbursed at the prevailing rate as mandated by the State of Arizona. Please check with the Jury Commissioner for the current rate.) If you are not selected for service, you will be reimbursed only for mileage from the center of your home zip code. If selected on the first day, you will receive \$12.00 per day plus the daily mileage rate allowed by law.

Q: Where do I park?

A: Parking permits are included in your summons and may be used only

as if it were given in court.

Exhibit: A document or material produced and identified in court for the purpose of introducing it as evidence.

Motion: An application made to the judge by the attorney for one of the parties (or by an unrepresented defendant or plaintiff). The motions may be oral or written, and are made to obtain an order in favor of the applicant.

Rest: In legal terms, this means that the attorney has concluded the evidence he wants to introduce at that stage of the trial.

Stipulation: An agreement by the attorneys to certain undisputed facts or issues which need not be proven during the course of the trial.

Subpoena: An official order to attend court at a stated time. The most common use of the subpoena is to bring witnesses to court to testify.

Voir Dire: French for “to speak the truth.” The examination of the prospective juror for selection of the jury to try the case through use of challenges for cause and/or peremptory challenges.

After the trial is completed and you have reached a verdict, you may be asked to complete a questionnaire. Please give this your full attention. All answers are tallied and evaluated in order to improve our jury system.

TYPES OF STATE COURTS IN ARIZONA

If a violation is not specifically defined by the U.S. Constitution or granted to the federal court system by Laws of Congress, it will be heard in a state court.

The Arizona State Court System is organized as follows:

1. **Courts of limited and special jurisdiction**
 - A. Justice of the Peace Courts have jurisdiction over:
 1. Misdemeanor offenses
 2. Preliminary hearings on felony offenses
 3. Civil suits involving amounts less than \$10,000
 4. Small claims cases involving less than \$2,500
 5. Orders of Protection/Injunctions against Harassment
 6. Traffic offenses
 7. Petty offenses
 - B. Municipal Courts have jurisdiction over:
 1. Misdemeanors
 2. Violations of city ordinances
 3. Orders of Protection/Injunctions against Harassment
2. **The Arizona Superior Court:**

These are courts of general jurisdiction. They are authorized by law to consider all civil and criminal disputes.
3. **Courts of Appellate Jurisdiction:**

These courts hear appeals for review of decisions made in a trial court.

 - A. The Arizona Supreme Court
 - B. The Arizona Court of Appeals

DEFINITION OF WORDS AND PHRASES

The following definitions of words and phrases commonly used in trials may be helpful:

Deposition: The testimony of a party or a witness involved in a lawsuit given before trial, under oath, and typed in question and answer form, just

for the day of jury service and location listed on the permit. Place the permit face up on your dashboard where it will be clearly visible. Jurors are encouraged to arrive early since parking in the area around the courthouse is limited. Please be courteous when parking in our downtown neighborhoods.

Your jury summons also provides a ticket (printed on the upper right hand corner of the summons) for a free ride to court on the Mountain Line bus service. Please present the summons to the Mountain Line bus driver on the day you are called for jury service for a free ride to and from court. Call 928-679-8900 for route information.

Q: Does the Court provide child care?

A: No.

Q: How can I find out about Flagstaff bus schedules and routes?

A: Current information is available for you in the Courthouse lobby in Flagstaff, or call 928-779-6624.

Q: What do I do if I need a special accommodation?

A: Requests for reasonable accommodations for persons with disabilities must be made to the Court at least three (3) days before a scheduled court proceeding. If you would like to request an accommodation, please call the Court that has summoned you to appear.

GENERAL INFORMATION

The Jury Commissioner now has a website which allows jurors to complete their questionnaire from their personal computer online at <https://coconinjury.az.gov>. Unfortunately, this site does not permit you to check on cases or check your juror status.

Current Address and Name Information

We must have current address information in order to mail you your juror payment. If your summons was mailed to an incorrect address, you have moved, or you have changed your name, you must contact the Jury Clerk in the Court that summoned you.

Juror Badges

When you are sworn in as a juror, you will be provided with a juror badge. We ask that you wear this badge at all times until your duty has ended, even while at lunch in the downtown area. This badge identifies you as a juror to other people in the Court, and should prevent them from discussing, in your presence, any facts about cases. Remember, jurors must be impartial.

Juror Payment

Mileage: Every juror will receive a mileage reimbursement. The rate is set by law. Mileage payment is based on the number of miles from the center of the zip code in which you reside to the Court building.

If you wish to claim greater mileage, you must advise the Court. If you have a question regarding your payment, contact the Jury Clerk in the Court in which you appeared.

Jury Fee: If you are sworn to serve as a trial juror, you will be paid a jury fee in addition to your mileage. This amount is also set by law and is currently \$12.00 per day. If you are required to return on additional days of trial, you will receive payment of a jury fee and mileage for those days also.

The Arizona Lengthy Trial Fund (ALTF) is intended to reduce the financial burden on jurors who serve on long trials by providing full or partial earnings replacement or supplementation for lost wages. To qualify for this extra jury pay, jurors must serve more than five days and suffer a loss of earnings. The Jury Commissioner will provide qualified jurors with a claim form and instructions for providing supporting salary documentation. Employer verification will also be required. You will be given further instructions by the trial court judge if he/she anticipates that the trial you have been chosen for will exceed five days.

Qualification of Jurors

The names of jurors summoned to Court are selected at random from Motor Vehicle Division and Voter Registration records. A questionnaire is mailed to each person selected from these records by the Coconino County Jury Commissioner. When the questionnaires are returned, the Jury Commissioner staff reviews them to establish the eligibility of prospective jurors.

The Jury Commissioner of Coconino County Superior Court provides jurors for the Superior Court and Justice Courts. Flagstaff Municipal Court maintains their own juror pool.

Selection of Jurors

When you report to the Jury Assembly Room, your attendance is confirmed by the bailiff or another staff member. The actual trial jurors will be selected from all the jurors sent to the courtroom. The trial jury is normally comprised of six to twelve members with one or more alternates. Those not selected for the trial jury may be asked to return to the Jury Assembly Room for further instruction or dismissal.

6. Judge's instructions on the law.

The judge will instruct the jury on the law of the case prior to the jury deliberation. You will be given copies or a recording to use in your deliberations.

7. A bailiff will escort the jury panel from the courtroom to the jury deliberation room.

JURY DELIBERATION AND CONDUCT IN THE JURY DELIBERATION ROOM

When the jury goes to deliberate, you will select a foreperson. It is the foreperson's duty to: a) ensure that the jury's deliberations are conducted in an orderly fashion, b) ensure that all issues are fully and fairly discussed, c) ensure that every juror has an opportunity to speak on every issue, d) assist the jury in reaching a verdict based upon the law and evidence, e) preside over the balloting, and f) sign the appropriate forms of the verdict based on the decision of the jury.

Every juror should listen carefully to the views of the other members of the jury and consider them with an open mind.

The final vote represents your own opinion. After discussions with your fellow jurors, your opinion may change. Do not hesitate to change your mind if you are convinced it is appropriate to do so.

When differences of opinion arise, voice your opinion and explain it. Do not force another juror to agree with you. Do not refuse to listen to the arguments and opinions of others. You must **never** permit a decision to be reached by chance or a toss of a coin.

If there is disagreement or confusion about the judge's instructions or their meaning, ask the judge for further instructions or assistance.

8. Verdict

After the verdict is reached, the bailiff will escort the jurors back into the courtroom. The judge will ask the foreperson for the verdict forms. The verdict will be read aloud. In some cases each juror will be asked if he/she agrees with the verdict. This is called "polling the jury."

9. Jury Exit Questionnaire

4. Evidence is presented.

- A. The plaintiff offers evidence to prove its case.
- B. The defendant may offer evidence to disprove the plaintiff's case and establish the defendant's case.
- C. The plaintiff may then offer evidence to rebut any new material presented by the defendant.

Evidence usually takes one of two forms:

A. Testimony of witnesses.

Before testifying, each witness is sworn to tell the truth. Attorneys may ask questions on direct examination and cross examination of each witness. The judge may also ask questions. The jury may submit questions for the witness by writing them down and giving them to the bailiff. The judge will review the questions and determine if they can legally be asked.

B. Exhibits (physical evidence, e.g., photographs, reports).

Sometimes attorneys for one side object to a question asked or an exhibit offered by the other side. Attorneys may object to introduction of any evidence they believe is improper.

At times the judge will hear arguments on these objections outside the presence of the jury. If the judge thinks the evidence objected to is not proper, he/she will "sustain" the objection and not allow the evidence. If the judge thinks the evidence is proper he/she will "overrule" the objection and allow the evidence to be presented. The matter of evidence is a legal question which the judge alone must decide. Objections by the attorneys, or the judge's ruling, should not cause the jury to favor one side or the other.

5. Closing arguments by counsel.

After all evidence has been presented, the attorneys are allowed to make their final arguments to the jury. In the final argument, the attorney for each party discusses the facts as they relate to the law being applied by the jury. The attorney presents the reasons and arguments favoring his/her position. These arguments give the jury an opportunity to better understand the case and help them arrive at a fair verdict. The plaintiff is entitled to rebut the defendant's closing argument. What the attorneys say in their closing arguments is not evidence.

Term of Service

If selected to serve, most of the trials last from one to three days, could last longer depending on case. Prospective jurors selected to serve on a jury are required to serve for the duration of that trial only. When the trial is finished, so is the juror's current jury service. Unless the judge or bailiff tells you otherwise, those not selected as trial jurors are dismissed at the end of the day.

Conduct in Court

Do not take large items with you to the courtroom. Smaller items, or any items of value should be taken with you to the courtroom and placed under your chair. Do not take food or drink into the courtroom. Please turn off all pagers or cellular phones. Do not enter the courtroom until instructed to do so. The Court may be conducting a preliminary proceeding about the trial to which you are assigned.

Once inside the courtroom, follow the instructions given there. Unless specifically told otherwise, you may be asked to return to the Jury Assembly Room for further instruction.

If you have an emergency while serving as a juror, notify the judge. If you need to contact your family or employer, the bailiff will assist you.

Questioning of Jurors (Voir Dire)

When called into the courtroom by the bailiff, remain seated on the benches in the back until your name is called to sit in the jury box, or until the judge dismisses you. You will be asked to swear or affirm to truthfully answer all questions about your qualifications to serve as a juror. This may take place while sitting in the back of the courtroom or while seated in the jury box.

Once sworn, the judge will ask general questions about your qualifications to serve as a trial juror. Pay close attention to these questions even if you are not seated in the jury box. When the judge finishes questioning you, the attorneys may ask you questions. This process is called "voir dire" examination. Voir dire is a French term which means "to speak the truth."

Some questions may seem very personal. It is not intended that any question embarrass you. Attorneys have a duty to their clients to assist them in jury selection.

There are many reasons why you may not be considered as a fair and impartial juror in a case. You might be closely related to one of the parties in the case, have a business relationship with one of the attorneys, have some personal knowledge of the case, or have a personal experience similar to the facts of the case.

If you think you should be disqualified for any reason (even if not brought out by questions directly asked) immediately raise your hand. When called on by the judge, tell the judge and the attorneys about it.

If you are dismissed by the judge, you may be instructed to return to the Jury Assembly Room for further instruction.

In every case, each side has a certain number of “peremptory strikes.” Attorneys may use all, part, or none of their peremptory strikes to remove jurors without any cause being stated. If you are excused, it is not a reflection on you in any way. It simply means that in the case before the Court it is proper to excuse you.

When the voir dire examination concludes, and the required numbers of jurors are seated, the jurors are sworn to try the case.

IMPORTANT THINGS TO REMEMBER DURING THE TRIAL

Always be on time. If delay is unavoidable, please call the Court you were summoned to. You could be cited for contempt of court if you needlessly delay the court proceedings.

Waiting Serves a Purpose.

There will be occasions when you are required to wait. Sometimes the parties are still negotiating and may settle the matter before or even after a jury panel has been assembled. The judge may be hearing arguments on last minute points of law. The Court uses this time to discuss and simplify issues.

The attorneys may talk with the judge out of the jury’s hearing. The judge may excuse the jury from the courtroom so that a point of law or an objection may be argued.

Be attentive and listen. If you cannot hear some of the testimony, raise your hand and inform the judge.

Note taking. You will be provided with a notepad and pencil to use in taking notes. You may use these notes during jury deliberation.

Questions by jurors. If you have a question for any witness, write the question on a juror question form and give it to the bailiff. The judge will review your question and determine if it is legally permissible. If so, the judge will direct the question to the witness.

Do not talk to anyone, including other jurors, about the case unless

the judge has instructed you to begin deliberations. If someone tries to talk to you about the case on which you are serving, do the following: a) tell the person it is improper for a juror to discuss the case or receive information except in the courtroom, b) refuse to listen, c) report the incident to the judge, bailiff, or Jury Commissioner at once.

Integrity of Jurors

Jurors must conduct themselves so no one questions their integrity. Jurors should be aware of their conduct and avoid raising anyone’s distrust. Avoid all familiarity with anyone interested in a decision of the jury.

Do not form hasty opinions or draw conclusions until you hear all evidence and arguments and have received the final instructions from the judge. Do not form or express any opinion of the case until you go to the jury deliberation room. There you have the opportunity to impartially discuss the evidence with your fellow jurors.

Jurors must base their verdicts solely upon the evidence presented at the trial and the judge’s instruction on the law. The verdict must not be based upon your notion of what the law is or ought to be.

If you have any questions regarding juror conduct or the trial, consult the judge. The judge is always in charge during the course of the trial.

MAIN STEPS OF A JURY TRIAL

1. Selection of a jury.
 - A. Voir Dire (questioning of the prospective jurors)
 - B. Strikes
 1. Cause (excused by the judge)
 2. Peremptory (excused by the attorneys)
 - C. Selection of trial jurors
 - D. Oath administered to trial jurors
2. Judge’s preliminary instruction to the trial jurors.
3. Opening statements by counsel.

An opening statement outlines what the lawyer thinks the evidence will be, and is offered to help jurors understand and follow the evidence during the trial.

- A. The plaintiff’s attorney makes an opening statement.
- B. The defendant’s attorney may make an opening statement at this time or at the close of the plaintiff’s evidence.